

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**Tyrone Henderson**

*on behalf of himself and others similarly  
situated,*

Plaintiff,

v.

**Interstate Brands Corporation,**

Defendant.

Civil Action No. 3:11cv507-REP

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**Tyrone Henderson**

*on behalf of himself and others similarly  
situated,*

Plaintiff,

v.

**Verifications Incorporated,**

Defendant.

Civil Action No. 3:11cv514-REP

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**PLAINTIFFS' FED. R. CIV. P. 26(a)(1) DISCLOSURES**

COMES NOW the Plaintiff, by counsel, and pursuant to Fed. R. Civ. P. 26(a)(1), and make the following disclosures to Defendant. These initial disclosures are based on information reasonably available to Plaintiff at this time. Plaintiffs reserve the right to supplement these initial disclosures (either through express supplements to these disclosures or through responses to formal discovery) when additional information becomes available.

In making these initial disclosures, Plaintiff does not waive the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay or any other proper ground to the use of any such information, for any purpose, in whole or in part, and this action or any

other action. Plaintiffs also do not waive the right to object to any request for production of any document, electronically stored information, or tangible thing on the basis of any privilege, the work product doctrine, evidentiary exclusion, relevancy, undue burden or any other proper ground.

**I. Individuals likely to have discoverable information.**

- a. ***The Plaintiff, Tyrone Henderson***, c/o Consumer Litigation Associates, P.C., 763 J. Clyde Morris Boulevard, Suite 1-A, Newport News, Virginia 23601. (All facts)
- b. ***Interstate Brands Corporation***. (All facts)
- c. ***Verifications, Incorporated***, (All facts).
- d. ***Kathy Calt, HR Manager, Interstate Brands Corporation*** (All facts regarding correspondence dated November 17, 2009)
- e. ***National Background Data, LLC, doing business as NATIONAL BACKGROUND DATA BY CORELOGIC***, 85 SW 52<sup>ND</sup> Avenue #300, Ocala, FL 34474-8746 (All facts regarding computer files, e-mails or any other documents concerning the Plaintiff and “Tyrone D. Henderson”, and all facts regarding the relationship with Verifications, Inc. with regard to background investigations.
- f. ***ASIS, International, 1625 Prince Street, Alexandria, VA 22314-2818*** (All facts regarding Defendant’s compliance procedures of the law)
- g. ***Larry Peterson, Verifications, Inc., 6900 Wedgewood Road North, Suite 120, Maple Grove, MN 55311*** (All facts)
- h. ***Brad Carlson, Verifications, Inc., 6900 Wedgewood Road North, Suite 120, Maple Grove, MN 55311*** (All facts)
- i. ***Kasee Nowell, Verifications, Inc., 6900 Wedgewood Road North, Suite 120, Maple Grove, MN 55311, (937) 296-9585*** (All facts)
- j. ***David Fiftal, Director, Human Resources, Interstate Brands Corporation, 12 E. Armour Blvd, Kansas City, MO 64111 (816) 502-4000*** (All facts)
- k. ***Carolyn Brunett, , Interstate Brands Corporation, 12 E. Armour Blvd, Kansas City, MO 64111*** (All facts)

- l. ***Christopher J. Kimpp (sic), Interstate Brands Corporation, 12 E. Armour Blvd, Kansas City, MO 64111 (All facts)***
- m. ***Mitchell Faircloth, Interstate Brands Corporation, 12 E. Armour Blvd, Kansas City, MO 64111 (All facts)***
- n. ***Wilbur L. Woodroy (sic) Interstate Brands Corporation, 12 E. Armour Blvd, Kansas City, MO 64111 (All facts)***
- o. ***Glenda Wilson, Interstate Brands Corporation, 12 E. Armour Blvd, Kansas City, MO 64111 (All facts)***
- p. ***Tarji McNair, Interstate Brands Corporation/Rocky Mount, 2551 North Church Street, P.O. Box 591, Rocky Mount, NC 27802, (252) 977-3400 x 383 (All facts)***
- q. ***Clerk of Courts – Westmoreland County, 2 North Main Street, Suite 203, Greensburg, PA 15601*** (All facts regarding any and all criminal complaints and and Orders of Court/Sentences of record regarding Tryone D. Henderson)
- r. ***Careersinfood.com*** (All facts regarding the Plaintiff)
- s. ***Graphic Packaging Corporation, 4500 Sarellen Road, Richmond, VA 23231*** (All facts regarding any and all employment verifications received and the information subsequently provided with regard to the Plaintiff.)
- t. ***Putative class members.*** (All facts)
- u. ***The spouse, partner or significant other and all family members, friends and associates of each plaintiff and each putative class member.*** Counsel has not identified all such persons, and as to those who have been identified, counsel has not yet decided which of these persons they may call as witnesses. (All facts, including but not limited to all facts related to damages).
- v. ***Evan Hendricks, 8321 Tomlinson Avenue, Bethesda, MD 20817*** (Expert Witness).
- w. ***Elizabeth De Armond, 565 West Adams Street, Chicago, Illinois 60661*** (Expert Witness).
- x. ***Any and all witnesses identified by the Defendant.***
- y. ***Any and all witnesses who have testified regarding similar claims in previous litigation.***

## II. Description of documents in possession of the Plaintiff.

- i. Virginia Criminal Record for Tyrone Bernett Henderson, Sr.;
- ii. Westmoreland, Pennsylvania Criminal History for Tyrone "D" Henderson;
- iii. December 2, 2009 Letter from Verifications, Inc., with Final Updated Verifications Consumer Investigative Report;
- iv. November 17, 2009 letter from Interstate Brands with Verifications Consumer Investigative Report;
- v. Plaintiff's Opposition to Defendant, Verifications, Inc.'s Motion for Summary Judgment *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- vi. Plaintiff's Opposition to Defendant, National Engineering Service Corporation's Motion for Summary Judgment *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- vii. Defendant Verification, Inc.'s Motion for Summary Judgment *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- viii. Defendant Verifications, Inc.'s Memorandum of Law in Opposition of National Engineering Service Corporation's Motion for Summary Judgment *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- ix. Plaintiff's Local Rule 56(a)(2) Statement in Response to Defendant Verifications, Inc., Local Rule 56(a)(1) Statement;
- x. Transcript of proceedings held on December 15, 2009 before Judge Warren W. Eginton *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- xi. Plaintiff's Anticipated Exhibits *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- xii. Defendant's Trial Exhibit List *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- xiii. December 16, 2009 Jury Trial Transcript *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- xiv. December 17, 2009 Continued Jury Trial Transcript *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;

- xv. December 18, 2009 Continued Jury Trial Transcript *In Re: Deborah Adams v. National Engineering Service Corporation and Verifications, Inc.*, Civil Action No: 3:07-CV-01035, United States District Court, District of Connecticut;
- xvi. ASIS International Pre-Employment Background Screening Guideline – ASIS GDL PBS-2009.
- xvii. Documents produced by the Defendants;
- xviii. *Sleuthing 101 – A Primer – Background Checks and the Law* by Barry Nadell.

### **III. Computation of Damages**

#### ***Statutory Damages:***

Pursuant to 15 U.S.C. §1681n, Plaintiff and each class member seek statutory damages from \$100.00 and \$1,000.00 per violation, punitive damages in an unliquidated amount; and for attorney's fees and costs.

Plaintiff further seeks these damages individually and on a class basis.

Plaintiff reserves the right to supplement these disclosures.

#### ***Punitive Damages:***

The Plaintiff seeks punitive damages that are unliquidated in this matter based upon the factors set forth in *Mathias v. Accor Economy Lodging, Inc.*, 347 F.3d 672 (7<sup>th</sup> Cir. 2004).

#### ***Case Law Supporting Punitive Damages:***

Such damages are expected to fall within the general range of those cases outlined below dealing with punitive damages in consumer employment cases.

*Bach v. First Union Nat. Bank*, 486 F.3d 150, 152 (6<sup>th</sup> Cir. 2007) \$2,628,600 in punitive damages remitted to \$400,000 in one-dispute case);

*Boris v. ChoicePoint Servs., Inc.*, 249 F.Supp.2d 851, (W.D. Ky. 2003)(\$250,000 in punitive damages award was appropriate under FCRA);

*Conseco Finance Servicing Corp. v. Carlson, District Court, Creek County, Sapulpa Division, State of Oklahoma*, No. CJ-00-227, Feb. 14, 2002 (jury award of \$ 900,000 in punitive damages upheld);

*Drew v. Equifax Info. Services, LLC*, C 07-00726 SI, 2010 WL 5022466 (N.D. Cal. Dec. 3, 2010) (No remittitur of \$700,000 punitive damage award);

*Mills v. NationsBank, N.A.* 3d Judicial District of Florida (Lake County 1999) (Jury award \$300,000 punitive damages for false credit reports)

*Soghomonian v. Trans Union*, No. 99CV5773, 2005 WL 1972594 (E.D. Ca 2005) (\$660,000 punitive damages);

*Thomas v. Trans Union*, No. 3:00CV1150 (D. Or. Jan. 29, 2003) (\$5 million for punitive damages, remitted to \$1 million);

*Thorton v. Equifax Inc.*, 467 F. Supp. 1008 (E.D. Ark. 1979) (\$250,000 in punitive damages).

*Williams v. Equifax Information Solutions, LLC*: Circuit Ct. or 9th Judicial Circuit, Orange County, Florida – No. 48-2003-CA-9035-O; order dated Nov. 17, 2007; jury verdict, Nov. 30, 2007 (\$2.7 million in punitive damages).

**TYRONE HENDERSON,**  
***For himself and on behalf of all***  
***similarly situated individuals,***

/s/

Leonard A. Bennett, Esq.  
VSB #37523  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of December, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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*Counsel for Verifications Incorporated,*

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/s/  
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